IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE
WRIT PETITION NO. 4242 OF 2005

Shri. Joy Joseph ... Petitioner

Versus

Union of India and Ors. ... Respondents

Mr. A.M. Joshi for Petitioner.

Mr. R.D. Rane, A.G.P. for Respondent Nos. 2 3, and 4.

Mr. V.D. Borwankar for Respondent No. 5.

CORAM : F.I. REBELLO &
DR. D.Y. CHANDRACHUD,JJ.
DATED : 26TH SEPTEMBER, 2005

P.C.

. Rule.

. The learned G.P. waives notice on behalf of Respondent Nos. 2 and 3. Appearance put up on behalf of Respondent No. 5. For the order to be passed, notice on Respondent Nos. 1 and 43 dispensed with.

. The Petitioner was in service of Hindustan Aeronautics school managed by Respondent No. 5. He went on deputation to Ethiopia. As he did not join after completing the period of deputation, his services came to be terminated on 4.2.1983. The Petitioner after returning back was once again appointed from 15.6.1987. By the present petition,

he seeks that his previous services may be counted for the purpose of pension.

. The learned counsel for the Petitioner, draws our attention to Ruler 48 of the M.C.S.R. (Pension) Rules, 1982. Having heard learned counsel, the petition can be disposed of by issuing following directions :

. The Petitioner can make representation to Respondent No. 6 who will forward the representation to Respondent No. 5 who will take decision whether they can recommend the case of the Petitioner under Rule 48 within six weeks from the receipt of such representation. If respondent No.5 decides to recommend then to forward the same to Respondent No. 3. Respondent No. 3 thereafter on receiving the said representation to take appropriate decision according to law not latter than 16 weeks thereafter. Rule made absolute accordingly. No order as to cost.

(F.I. REBELLO,J.)

(DR. D.Y. CHANDRACHUD,J.)